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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 293 | 7590 | 09/28/2005 | EXAMINER | |
| Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave. Suite 406 Alexandria, VA 22314 | | | TRAN, THIEN D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2665 | |

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,461

Applicant(s)

PARRUCK ET AL.

Examiner

Thien D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11-21 are rejected under 35 U.S.C. 102(e) as being participated by Kaplan et al (U.S Patent No. 6,141,339).

Regarding claims 1, 13, Kaplan discloses a switching arrangement for switching an ATM cell having an ATM cell header, comprising:

an ATM card 206 of figure 2 or 324 of figure 3 (first circuit) configured to receive said ATM cell;

an ATMSONET interface (second circuit, figure 4)) coupled to said first circuit, said second circuit creating a packet header having at least a portion of the information contained in said ATM header and to attach said packet header to said ATM cell, thereby forming an ATM cell-containing packet (col.3 lines 50);

a packet switch device 441 (figure 4) configured to switch packets among a plurality of ports, said packet switch being operatively coupled to said second circuit to receive said ATM cell-containing packet through a first port and to switch said ATM cell

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containing packet to a second port as if said ATM-cell containing packet is a packet of the type normally switched by said packet switch device; and

a MUX for multiplexing and send data packets to SONET ring (third circuit, figure 4)) operatively coupled to said packet switch device for receiving said ATM-containing packet, said third circuit identifying said ATM-containing packet as a packet containing an ATM cell, said third circuit removing said packet header to recover said ATM cell (col.3 lines 60-65).

Regarding claim 2, Kaplan discloses that packet is an Internet packet (col.4 lines 35-40).

Regarding claim 3, Kaplan discloses that packet switching device is part of a router (col.5 line 24).

Regarding claim 4, 11,12, 21, Kaplan discloses a method for allowing both ATM (Asynchronous Transfer Mode) cells and packets to be routed via a packet switch, comprising:

receiving said packets at a LAN card (first circuit, col.6 lines 15-20);

receiving said ATM cells at an ATM card (second circuit, figure 3);

formatting said ATM cells to fit requirements of said packet switch, thereby creating ATM cell-containing packets; and forwarding both said packets and said ATM cell-containing packets to said packet switch for routing (col.6 lines 39);

associating said ATM cell-containing packets with tags, said tags allowing a receiver circuit receiving said ATM cell-containing packets from said packet switch to

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identify said ATM cell-containing packets as packet-like series of bits having therein ATM cells (figure 9).

Regarding claim 5, Kaplan discloses that formatting includes padding said ATM cells with additional bits (col.3 line 5)

Regarding claims 6, 9, 14, 15, Kaplan discloses that ATM cells are formatted at a first card that is implemented separately from a second card implementing said packet switch (col.4 lines 35-45).

Regarding claim 7, Kaplan discloses that first card and said second card are coupled via an optical fiber (col.6 lines 39).

Regarding claims 8, 20, Kaplan discloses that optical fiber carries data originally contained in both said ATM cells and said packet switch (col.4 lines 35-40).

Regarding claim 16, Kaplan discloses that first line card and second line card are coupled via an optical fiber, said optical fiber being configured to transport said combined data stream (col.7 lines 25-45).

Regarding claim 17, Kaplan discloses a traffic management circuit coupled to said third circuit, said traffic management circuit monitoring said ATM cells and said packets to ascertain transmission priorities associated with individual ones of said ATM cells and said packets, said third circuit selecting said selected ones of said ATM cells and said selected ones of said packets for outputting in said combined data stream based on the transmission priorities (col.7 line 45-55).

Regarding claims 18, 19, Kaplan discloses a given flow associated with said ATM cells is given a minimum bandwidth guarantee by said traffic management circuit, thereby guaranteeing that at least some ATM cells associated with said given flow is passed onto said switch irrespective of traffic condition through said third circuit (col.4 line 67).

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

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Patent Examiner

Thien Tran

DUCHO
PRIMARY EXAMINER

Suchlitz
9-27-05